

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

PAUL J. McNALLY, as he is TRUSTEE,  
MASSACHUSETTS LABORERS' HEALTH AND  
WELFARE FUND and NEW ENGLAND LABORERS'  
TRAINING TRUST FUND; JAMES MERLONI, JR.,  
as he is TRUSTEE, MASSACHUSETTS LABORERS'  
PENSION FUND and MASSACHUSETTS LEGAL  
SERVICES FUND; MARTIN F. WALSH, as he is  
TRUSTEE, MASSACHUSETTS LABORERS'  
ANNUITY FUND,

Plaintiffs

vs.

AG ASBESTOS, INC.,

Defendant

and

FLEET SMALL BUSINESS SERVICES,

Trustee

C.A. No. 04-12639 RWZ

**AFFIDAVIT OF THOMAS MASIELLO AS TO  
MILITARY SERVICE, INFANCY AND INCOMPETENCE**

1. My name is Thomas Masiello. I am the Administrator of the Massachusetts Laborers' Benefit Health and Welfare Fund.

2. I make this affidavit pursuant to the provisions of the Soldiers' and Sailors' Civil Relief Act.

3. I have caused careful investigation to be made to ascertain whether AG Asbestos, Inc., the above-named defendant, is within the military service of the United States, and have concluded on the basis of such investigation that it is not.

4. I have also caused careful investigation to be made to ascertain whether AG Asbestos, Inc. is an infant or incompetent person, and have concluded on the basis of such investigation that it is not.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS \_\_\_\_ DAY OF MAY, 2005.

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Thomas Masiello